[Mr. R. Raman Pillai.]

എത്രയോ കാലമായി നമ്മുടെ പണം പുറത്തുപോകയല്ലാതെ തിരിച്ചുവരാതിരിക്കുന്നു എന്നു കാണാം. ഈ ദോഷത്തെ പരിഹരിക്കാൻ വേണ്ട വ്യവസ്ഥകളുണ്ടാക്കണമെന്നു ഗവണ്മെൻറിനെ ഉൽബോധിപ്പിച്ചുകൊണ്ടു വിരമിച്ചുകൊള്ളുന്നു.

MR. A. THANU PILLAI (*Trivandrum—Rural*): Sir, I wish to avail myself of this opportunity to offer a few remarks about a very important Government order that was issued recently. I refer to the Government order relating to the recruitment to the public services.

ADJOURNMENT MOTION.

DEPUTY PRESIDENT: The House will continue the general discussion of the budget to-morrow. In the meantime, Mr. Velayudhan Pillai will now make the motion for adjournment of the House.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): സർ, ഈ സഭയുടെ ഗൌരവമായ ശ്രദ്ധയ്ക്കായി ഞാൻ സമർപ്പിക്കുന്ന അടിയന്തിരപ്രമേയം എന്താണെന്ന് ആദ്യമായി ഞാൻ ഇവിടെ വായിച്ചുകൊള്ളട്ടെ.

I beg leave to move for an adjournment of the business of the House for the purpose of discussing a definite matter of urgent public importance, namely, the serious situation arising out of the injustice done to the hundreds of acting men belonging to all communities as a result of the Public Service Commission G. O.

പ്രസ്തുത അടിയന്തിരപ്രമേയത്തിൽ പ്രസ്താവിച്ചിട്ടുള്ള G. O. ഫൻസ് ൪ ജൂൺ൨ ൪-൨൯-ലെ R. Dis. 8931 Genl. ആയി ഗവണ്മെൻറിൽനിന്നും പാസ്സാക്കീട്ടുള്ളതാണ്. ഈ G. O. യുടെ ഫലം ഖണ്ഡികയിൽ acting service കാരുടെ ഉദ്യോഗലബ്ധിക്കുള്ള അവകാശത്തെസംബന്ധിച്ചു പ്രതിപാദിക്കുന്ന ഭാഗമാണ് ഇന്നത്തെ വിമർശന വിഷയം. G. O. യിലെ പ്രതിപാദ്യഭാഗം ഇപ്രകാരമാണ്:—

"As a compromise between the two positions, Government have ordered that the present rules of recruitment to the intermediate and lower divisions will not apply to those whose total acting service amounts to not less than three years or who are on sub-protem tenure or who have been specifically appointed to act against vacancies that are permanent or are likely to become permanent or those who have held a temporary post for a period of not less than three years."

എന്റെ അടിയന്തിരപ്രമേയത്തിൽ പ്രസ്താപിച്ചിട്ടുള്ളതുപോലെ ഈ രാജ്യം മുഴുവൻ പകരം ജോലിനോക്കീട്ടുള്ള ഒട്ടുവളരെ ആളുകൾക്ക് അപരിഹാര്യമായ സങ്കടത്തിനു കാരണമാക്കുന്നതാകയാൽ ഉടനടി റദ്ദ് ചെയ്യണമെന്നുള്ള സംഗതി ഈ സഭയുടെ ആലോചനയ്ക്കു വിഷയമാക്കണമെന്നുള്ളതാണ് എന്റെ ഉദ്ദേശം.

MR. N. E. VARUGHESE (*Tiruvalla I*): ആക്ടിംഗ് ലിസ്റ്റിൽ അതുകെ എത്ര ആളുകളുണ്ട്?

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Mr. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*) : അതിനെ സംബന്ധിച്ചുള്ള ശരിയായ കണക്ക് ഞാൻ എടുത്തിട്ടില്ല.

ഇതിനെ സംബന്ധിച്ചുള്ള എന്റെ വാദത്തെ സാധൂകരിക്കുന്ന കാരണങ്ങൾ അടുത്തതായി പ്രസ്താപിക്കാം.

ഈ നിയമം പാസ്സാകുന്നതുവരെ ഗവണ്മെന്റു പരസ്യമായി പ്രഖ്യാപനം ചെയ്യുകയും അനുവർത്തിച്ചു വരികയും ചെയ്തിട്ടുള്ള ഔദ്യോഗിക നയം പകരംനോക്കിയആളിന്റെ അവകാശം പ്രഥമമായി ഗണിക്കുമെന്നുള്ളതാണു്. അതായതു് ഒരൊറ്റ ദിവസമെങ്കിലും സർവീസിൽ പകരംനോക്കിയ ഒരുവന്റെ സർവീസിനെ പരിഗണിച്ചു് വീണ്ടും സ്ഥിരം ഒഴിവുണ്ടാകുമ്പോൾ സീനിയാർട്ടി അനുസരിച്ചു ജോലികൊടുത്തുകൊള്ളാമെന്നുള്ള നയമാണു് ഈ ജീ. ഓ. ഉണ്ടാകുന്നതിനുമുമ്പു് ഗവണ്മെന്റു പരസ്യമായി സ്വീകരിച്ചിരുന്നനയം. ഈ നയത്തെ വിഗണിച്ചും അയതിനു പ്രത്യക്ഷവിരുദ്ധമായുമുള്ള ഇപ്പോഴത്തെ റൂൾ നു-വർഷത്തോളം അക്ടിംഗ് സർവീസില്ലെങ്കിൽ അവക്കു ജോലികിട്ടാൻ അക്ടിംഗ് സർവീസ് ഒരവകാശമായി പരിഗണിക്കയില്ലെന്നുള്ളതാണു്. ഇതു ന്യായവിരുദ്ധവും സ്വീകാര്യമല്ലാത്തതുമാണു് എന്നുള്ളതാണു് എന്റെ ഒന്നാമത്തെ വാദം.

നൂതനമായി സൃഷ്ടിക്കുന്ന ഒരു നിയമത്തിനു നിയമപ്രാബല്യം നിയമനിർമ്മാണശേഷം മാത്രമേ നൽകാവൂ എന്നുള്ളതാണു് നിയമസിദ്ധാന്തം. അതിനുവിരുദ്ധമായി 'retrospective effect' ഈ റൂളിനു കൊടുക്കുന്നതു് നിയമവിരുദ്ധമായ ഒരു സംഗതിയാണു്. അതിനാൽ ഈ നിയമം ഇതേ നിലയിൽ പരിപാലിക്കത്തക്കതല്ലെന്നുള്ളതാണു് എന്റെ രണ്ടാമത്തെ വാദം.

മൂന്നാമതായി എനിക്കു പറയുവാനുള്ളതു് പകരം ജോലിക്കാർ നൂതനനിയമത്തിനു മുൻപു സർക്കാർസർവീസിൽ പ്രവേശിച്ചതു് ഇപ്രകാരമുള്ള അക്റ്റിംഗ് സർവീസു കൊണ്ടു് അവക്കു സ്ഥിരമായ നിയമനം ലഭിക്കുമെന്നുള്ള വിശ്വാസത്തിന്മേലാണു്. ഈ വിശ്വാസത്തെ ഗവണ്മെന്റു പലപ്പോഴും പ്രഖ്യാപനം ചെയ്തിട്ടുള്ള നയമനുസരിച്ചു് ബലപ്പെടുത്തുകയും ചെയ്തിട്ടുണ്ടു്. ആ വിശ്വാസത്തെ ഭഞ്ജനം ചെയ്യത്തക്കവിധത്തിൽ ഒരു നിയമം സൃഷ്ടിക്കുന്നതു് സാന്മാർഗ്ഗികബോധമുള്ള ഒരു ഗവണ്മെൻറിനു് അനുയോജ്യമല്ല. അതുകൊണ്ടു് ആർഡറിന്റെ ആ ഭാഗം ഒരിക്കലും പ്രായോഗികമാക്കാൻ യോഗ്യതയുള്ളതല്ല.

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[Mr. T. P. Velayudhan Pillai.]

ഗവണ്മെൻറു പലഅവസരങ്ങളിലും ഈ സഭയിൽ വെച്ചുതന്നെ മൈസൂരിലേയും ബ്രിട്ടീഷ് ഇൻഡ്യയിലേയും ഗവണ്മെൻറു നയത്തോടു പ്രിയംപ്രകടിപ്പിക്കാറുണ്ടു്. അതായതു് ഏതെങ്കിലും ഒരു തത്വത്തെ സംബന്ധിച്ചു് നിയമസഭകളിൽ വാദപ്രതിവാദം നടത്തുന്ന അവസരത്തിൽ അതിനോടു സാദൃശ്യം ഉള്ളതായി മൈസൂരിലേയോ ബ്രിട്ടീഷിൻ ഡ്യയിലേയോ ഗവണ്മെൻറുകൾ ചെയ്തിട്ടുള്ള നയത്തെ ഉദ്ധരിച്ചു് ആ തത്വത്തെ സാധൂകരിക്കുക എന്നുള്ളതു സർവ്വസാധാരണമായിതീർന്നിരിക്കുകയാണു്. ഈ അവസരത്തിൽ ഈ രണ്ടു ഗവണ്മെൻറുകളും ഈ വിഷയത്തിൽ സ്വീകരിച്ചിട്ടുള്ള നയം എന്താണെന്നുനോക്കുന്നതു് അസ്ഥാനത്താകുമെന്നു തോന്നുന്നില്ല. മില്ലർ കമ്മിറ്റി റിപ്പോർട്ടു സ്വീകരിച്ചു പ്രായോഗികമാക്കുന്നതിനു പബ്ലിക്ക് സർവ്വീസിൽ പ്രവേശനം നടത്തുന്നതിനു ആധാരമാക്കേണ്ട സംഗതികളെ സംബന്ധിച്ചു അന്വേഷണം നടത്തി റിപ്പോർട്ടു സമർപ്പിക്കുന്നതിനു നിയുക്തമായ മൈസൂർ ഗവണ്മെൻറു സ്വീകരിച്ച തത്വമെന്താണെന്നു പബ്ലിക്ക് സർവ്വീസ് റിക്രൂട്ട്മെൻറു കമ്മിറ്റി റിപ്പോർട്ടിൽ എഴുപത്തഞ്ചാം വശത്തിൽ വിവരിച്ചിട്ടുണ്ടു്. ആ അഭിപ്രായത്തോടുകൂടി (മൈസൂർ ഗവണ്മെൻറിൻെറ അഭിപ്രായത്തോടുകൂടി) പബ്ലിക്ക് സർവ്വീസ് കമ്മിറ്റിയുടെ പണ്ഡിതനായ പ്രസിഡണ്ടു് യോജിക്കുന്നുവെന്നും കാണുന്നു. ഞാൻ പ്രസ്താവിച്ച അഭിപ്രായം ഇതാണു്:—

"In Mysore before the Miller Committee Report was given effect to by Government, discretion was given to unit officers to confirm existing officials of all communities who would not be qualified under the new rules to enter service as the minimum qualification was raised. The principle of the rule is that those who have begun to act under existing rules should not suffer on account of a change in the rules. This is in the interests of the security of the services as persons who began to act under a certain belief should not suffer by a change. Further no rule should be retrospective."

ഈ തത്വം നമ്മുടെ ഗവണ്മെൻറിനു സ്വീകാര്യമായിട്ടുള്ളതാണെന്നാണു എൻറെ അഭിപ്രായം. ഇനിയും മറ്റു സംഗതികളിൽ സാദൃശ്യത്തിനായിട്ടു എടുക്കുന്ന ബ്രിട്ടീഷ് ഗവണ്മെൻറു ഈ വിഷയത്തിൽ സ്വീകരിച്ചിട്ടുള്ള തത്വം എന്താണെന്നുള്ളതിനെപ്പറ്റി ചിന്തിക്കാം. ബ്രിട്ടീഷ് ഗവണ്മെൻറിൻെറ നിയമമാണല്ലോ സാധാരണ നാം ഇവിടെ സ്വീകരിച്ചു വരുന്നതു്. ഈ സമ്മേളനത്തിൽ തന്നെ ഫാക്ടറി ബിൽ ആലോചനയിൽ വന്നപ്പോൾ ഗവണ്മെൻറു ഭാഗത്തു നിന്നും പറഞ്ഞിട്ടുള്ള പ്രധാനമായ ന്യായം ബ്രിട്ടീഷ് ഇൻഡ്യയിലേയും, തിരുവിതാംകൂറിലേയും നിയമങ്ങൾക്കു വൈകൃത്യമുണ്ടായിരിക്കണം എന്നുള്ളതാണു്. ആ

LIBRARY ARCHIVES Kerala Legislative Assembly

ന്നിലയ്ക്കും ബ്രിട്ടീഷിൻഡ്യയിലെ നയം നമുക്കു സ്വീകാര്യയോഗ്യമാണെന്നുള്ളതിൽ അഭിപ്രായവ്യത്യാസത്തിനു അവകാശമില്ല. ഫർസ്റ്റ് ജൂലൈമാസത്തിൽ ബ്രിട്ടീഷ് ഗവണ്മെൻറിൽനിന്നും "സ്റ്റാൻഡാർഡൈസേഷൻ സ്കീം" നടപ്പാക്കിയ അവസരത്തിൽ ഗവണ്മെൻറു സ്വീകരിച്ച നയം എന്തായിരുന്നു എന്നു അടുത്തതായി പര്യാലോചിക്കാം. അതിൽ പറയുന്നതു് "സ്റ്റാൻഡാർഡൈസേഷൻ സ്കീം" പാസാക്കുന്നതിനു ഒരു ദിവസം മുൻപെ എങ്കിലും ആക്ടിംഗായിട്ടു ജോലി കിട്ടിയിട്ടുള്ള ഒരാളിനു പിന്നീടു സർവീസിൽ പ്രവേശിക്കുമ്പോൾ അയാൾ ഈ സ്കീമിനു മുൻപു ആക്ടു് ചെയ്ത കാലത്തെ സ്കെയിലനുസരിച്ചുള്ള ശമ്പളം കൊടുക്കണമെന്നും, എന്നു മാത്രമല്ലാ അയ്യാൾ സർവ്വീസിൽനിന്നു പെൻഷൻ പറ്റുന്ന തീയതി വരെ അയാൾക്കു 'സ്റ്റാൻഡർഡൈസേഷൻ സ്കീമിനു' മുൻപു പകരം ജോലിയിൽ പ്രവേശിച്ചകാലത്തു നിലവിലിരുന്ന സ്കെയിൽ തന്നെ കൊടുക്കണം എന്നുമാണു്. ഒരാൾ ആക്ടിംഗ് സർവ്വീസിൽ എന്തു വിശ്വാസത്തിൻമേൽ പ്രവേശിക്കുന്നുവോ ആ വിശ്വാസത്തിനു ഭംഗം വരുത്താൻ പാടില്ല എന്നുള്ളതാണു് ഇതിൽ അന്തർഭവിച്ചിട്ടുള്ള തത്വം. അല്ലുങ്കിൽ ആരെയും തന്നെ ആക്ടിംഗ് സർവീസിൽ പ്രവേശിപ്പിക്കേണ്ട ആവശ്യമുണ്ടായിരുന്നില്ല. ഇതിനും പുറമേ ഒരാൾ സ്റ്റാൻഡാർഡൈസേഷനു മുൻപു ആക്റ്റിംഗ് സർവീസിൽ പ്രവേശിക്കുന്നതിനും സൌകര്യം ലഭിക്കാതെയിരിക്കയും എന്നാൽ സർവീസിൽ പ്രവേശിക്കുന്നതിനുള്ള മത്സരപരീക്ഷ (Competitive Examination) പാസായിരിക്കയും ചെയ്താൽ അയാൾക്കും 'സ്റ്റാൻഡാർഡൈസേഷ'നു മുൻപു പകരം നോക്കിയിട്ടുള്ളവരെപ്പോലെ ഗണിച്ചു മത്സരപരീക്ഷയിൽ പാസ്സായ കാലത്തു നിലവിലിരുന്ന ശമ്പള സ്കെയിൽതന്നെ സർവീസിൽനിന്നും വിരമിക്കുന്നതുവരെ കൊടുക്കണമെന്നുള്ള തത്വവുംകൂടി ബ്രിട്ടീഷു ഇൻഡ്യയിൽ സ്വീകരിച്ചിരുന്നു. ഈ തത്വങ്ങളെ അടിസ്ഥാനപ്പെടുത്തി നോക്കുമ്പോൾ പകരം ജോലി നോക്കിയവരുടെ അവകാശങ്ങൾ ഒരു നിലയിലും വിഗണിക്കത്തക്കതല്ല എന്നു ബോദ്ധ്യപ്പെടും.

ഇന്നു് ഈ നൂതനരൂപംകൊണ്ടുണ്ടായിട്ടുള്ള ദോഷഫലങ്ങളെ സംബന്ധിച്ചു് അടുത്തതായി പര്യാലോചിക്കാം ഇങ്ങനെ നൂതനമായ ഒരു രൂപം ഗവണ്മെൻറിൽനിന്നും ഉണ്ടാക്കാൻപോകുന്നു എന്നറിഞ്ഞു് അതിനുമുൻപുതന്നെ നിയമനാധികാരമുള്ള അനേകമുദ്യോഗസ്ഥന്മാർ, അവക്കാവശ്യമെന്നുതോന്നിയ സന്ദർഭങ്ങളിൽ, ആരെ സഹായിക്കണ

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. T. P. Velayudhn pillai.]

മെന്ന തോന്നിയോ, അവരെ സഹായിക്കാൻവേണ്ടി, പല ആക്ടിംഗ് സബ്ജീസ്സുകാരേയും, അവർ ജോലിനോക്കിവന്നിരുന്ന സ്ഥിരമായ ഒഴിവുകളിൽനിന്നും മാറ്റി താല്ക്കാലികമായ ഒഴിവുകളിൽ പ്രതിഷ്ഠിച്ചു. മൂന്നു വർഷത്തിൽക്കൂടുതൽ പകരം നോക്കിയിട്ടുള്ളവർക്ക് ഇതുകൊണ്ടു വലിയ ബുദ്ധിമുട്ടില്ല. ഇങ്ങനെ പുതുതായി സ്ഥിരം വേക്കൻസിയിൽ നിയമിക്കപ്പെട്ടവർ പുത്തനായി പ്രവേശിച്ചവരായിരിക്കും; അല്ലെങ്കിൽ ദീർഘകാലത്തെ ആക്ടിംഗ്സർവ്വീസില്ലാത്തവരായിരിക്കും. കൂടുതൽ സർവ്വീസുള്ളവരുടെ അവകാശത്തെ അവരെ സഹായിക്കാൻ നിയമനാധികാരികൾ ആരുമില്ലാതെവന്നതുകൊണ്ട്, വിഗണിക്കാമെന്നവരുന്നതു് എത്രമാത്രം സങ്കടമുള്ളതാണ്. ഉദാഹരണമായി പറയുകയാണെങ്കിൽ രണ്ടുവർഷവും മുന്നൂറിഅറുപത്തിനാലു ദിവസവും ആക്ടിംഗ് നോക്കിയിട്ടുള്ള ഒരാളിനെ ജി. ഒ. വരുന്നതിന്റെ തലേദിവസം സ്ഥിരം ഒഴിവിൽനിന്നും മാറ്റി താല്ക്കാലികഒഴിവിൽ ഇട്ടു എന്നു വന്നാൽ പിന്നത്തെ അയാളുടെ ഗതി എന്താണ്? സ്ഥിരം ഒഴിവിൽ ഇരിക്കുന്ന അല്പകാലത്തെ സർവ്വീസുള്ളവരുടേയും താല്ക്കാലികഒഴിവിലിരിക്കുന്ന ദീർഘകാലത്തെ സർവ്വീസുള്ളവരുടേയും അവസാനം ഒന്നാലോചിച്ചു നോക്കണം. ഈ ജി ഒ.-വിനെ ശരിയായി വ്യാഖ്യാനിക്കുന്നപക്ഷം ഇതു പുറപ്പെടുവിക്കുന്നതിനു തലേദിവസം ആക്ടിംഗായി സ്ഥിരംഒഴിവിൽ നിയമിക്കപ്പെട്ട ഒരാൾക്ക്, അതിനുമുമ്പു രണ്ടു വർഷവും മുന്നൂററുപത്തിനാലുദിവസവും സർവ്വീസുള്ള ഒരാളിനേക്കാൾ കൂടുതൽ ഗുണം സിദ്ധിക്കും എന്നു വരുന്നതു് അവണ്ണനീയവും അപരിഹാര്യവുമായ സങ്കടമല്ലെങ്കിൽ മറെറന്താണ്? ഇതു് എത്രത്തോളം ഗൌരവമായ ഒരവസ്ഥയാണെന്നു് ഈ സഭ ചിന്തിക്കണമെന്നു ഞാൻ താഴ്മയായി അപേക്ഷിച്ചുകൊള്ളുന്നു.

ഇനി ഈ വാദങ്ങൾക്കു പക്ഷേ സമാധാനമായി പറയുന്ന കാരണങ്ങൾ എന്തെല്ലാമായിരിക്കുമെന്നുകൂടി ഇവിടെ ഒന്നു പര്യാലോചിക്കുന്നതു ഒട്ടും അസ്ഥാനത്തിലാവുകയില്ല. ഒന്നാമതായിട്ടു പറയാവുന്ന ആക്ഷേപം ഇതുവരെയും ആക്ടു ചെയ്തിട്ടുള്ള ആജ്ഞകൾക്കു പ്രാഥമ്യം കൊടുക്കണം എന്നു നിശ്ചയിക്കുന്നപക്ഷം അതു പബ്ലിക്കുസർവ്വീസ്സു കമ്മീഷണർക്കു അടുത്ത കാലത്തു പുതുതായ ആളുകളെ പ്രവേശിപ്പിക്കുന്നതിനു ബാധകമാകും എന്നുള്ളതാണ്. ഇതിനു ഒരു പ്രതിവിധി എനിക്കു തോന്നുന്നുണ്ട്. എന്റെ വാദം ഒരാൾ സർവ്വീസ്സിൽ പ്രവേശിക്കുമ്പോൾ അയാൾക്കു നൽകിയിരുന്ന വിശ്വാസത്തിനു ഗവണ്മെ

LIBRARY ARCHIVES Kerala Legislative Assembly

ൻറിൻെറ പിന്നീടുള്ള നയവ്യതിചലനംകൊണ്ടു ഭംഗംവരുത്തരുതെന്നാണു്. പബ്ളിക്കു സർവ്വീസ്സുകമ്മീഷണരുടെ ശുപാർശ അനുസരിച്ചു മാത്രമേ മേലാൽ നിയമനങ്ങളും നടത്തുകയുള്ളു എന്നും, അതുകൊണ്ടു് ആരേയും സ്ഥിരമായിട്ടു നിയമിക്കരുതു് എന്നും ഗവണ്മെൻറു പ്രഖ്യാപനം ചെയ്തതു് ഫ്രാൻസിൻ ഒടുവിലാണു്. അതായതു കഴിഞ്ഞ ആണ്ടു ഒടുവിൽ രണ്ടു നിയമസഭകളുടേയും ജായിൻറു സെഷൻ നടന്ന ദിവസമാണു് അപ്രകാരം ദിവാൻജി പ്രഖ്യാപനം ചെയ്തതു്. അതിനുശേഷം നിയമിക്കപ്പെട്ടിട്ടുള്ളവരെല്ലാം സ്ഥിരമായി ഉദ്യോഗം കിട്ടുമെന്നുള്ള ഉദ്ദേശത്തിൽ പ്രവേശിച്ചവരല്ല; അവരുടെ ഉദ്ദേശത്തിനു ഭംഗവും വരുന്നില്ല.

MR. N. E. VARUGHESE (*Tiruvalla I*): ആക്ടിംഗായിട്ടു കയറിയ ആളിനു് അതു സ്ഥിരമായി കിട്ടുമെന്നു വിശ്വസിക്കാൻ എന്താണു കാരണം?

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): ഈ സഭയിൽത്തന്നെ സ്ഥിരം അക്കൌണ്ടാഫീസ്സർ മി. ആർ. നീലകണ്ഠപ്പിള്ള എൻെറ ഒരു ചോദ്യത്തിനു മറുപടി പറഞ്ഞതു് ആക്ടിംഗായിട്ടു ഒരാൾ പ്രവേശിച്ചാൽ അയാളുടെ അവകാശം പ്രഥമാവകാശമായിട്ടു ഗണിക്കപ്പെടുമെന്നുള്ള നയം ഹജൂർ ലും, അക്കൌണ്ടാഫീസിലും, ഹൈക്കോടതിയിലും, റവന്യൂകമ്മീഷണരാഫീസിലും, സ്വീകരിച്ചിട്ടുണ്ടെന്നാണു്.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): അതു് വെയിറിംഗ്ലിസ്റ്റു അനുസരിച്ചു കൊടുക്കും എന്നു പറഞ്ഞിട്ടില്ലേ?

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): അങ്ങനെയും പറഞ്ഞിട്ടുണ്ടു്.

DEPUTY PRESIDENT: I want to make one observation. There is no difference between the statement made by a permanent officer and an acting officer so long as the statement is made on behalf of Government.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): അങ്ങനെയുള്ള വ്യത്യസ്തതയുണ്ടെന്നുള്ള അഭിപ്രായത്തോടുകൂടി ഞാൻ പ്രസ്താവിച്ചതല്ല.

ഫ്രാൻസിൻ അവസാനത്തിനുശേഷം ആക്ടിംഗ് സർവ്വീസ്സിൽ പ്രവേശിച്ചിട്ടുള്ളവർക്കു് സ്ഥിരമായി കിട്ടുമെന്നുള്ള വിശ്വാസം ജനിച്ചിട്ടില്ലാത്തതുകൊണ്ടു് അവരെ ഒഴിച്ചു്, അതിനുമുൻപു ആക്ടു് ചെയ്തിട്ടുള്ളവരെ ഈ നിയമനത്തിൽനിന്നും ഒഴിവാക്കി അവരെക്കൂടി സീനിയറിട്ടി അനുസരിച്ചു സ്ഥിരമായി നിയമിക്കേണ്ടതാണു്. പിന്നീടു് ഏജ്ബാർ 'exemption' നുവേണ്ടി താല്ക്കാലികങ്ങളായ ഒഴിവുകളിൽ നിയമിക്കണം

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. T. P. Velayudhan Pillai.]

എന്നപക്ഷിക്കുന്നവർ ധാരാളമുണ്ട്. അവർക്കു സ്ഥിരമായി ഉദ്യോഗം ലഭിക്കുമെന്നുള്ള വിശ്വാസം ഇല്ലാതിരുന്നതുകൊണ്ട് അവരെ സ്ഥിരമായി നിയമിക്കാതിരിക്കുന്നത് അവരുടെ വിശ്വാസത്തിനു ഭംഗം വരുത്തുന്നതല്ല. ഇങ്ങനെ ഈ രണ്ടു നിലയിലും ഉള്ള ആളുകളെ ഒഴിവാക്കുന്നപക്ഷം പകരം ജോലിനോക്കിയവരിൽ പലരേയുംതന്നെ സ്ഥിരമായ നിയമനത്തിനു അനർഹന്മാരാക്കാവുന്നതാണു. ശരിയായ പ്രാതിനിധ്യം ഇല്ലാത്ത സമുദായക്കാർക്കു കൂടുതൽ ഉദ്യോഗം നൽകണമെന്നുള്ളതാണ് ഗവണ്മെൻറിന്റെ അഭിവാഞ്ഛ എങ്കിൽ അതിനു ഞാൻ മറെറാരു മാർഗ്ഗംനിർദ്ദേശിക്കാം. ഇപ്പോൾ ഉള്ളതും മേലാൽ ഉണ്ടാകുന്നതുമായ ഒഴിവുകളിൽ ൪൦ ശതമാനം ഒഴിവു൯൦ ഫാഷൻ കുക്കടകത്തിനുമുൻപു സർവ്വീസ്സിൽ പ്രവേശിച്ചിട്ടുള്ളവരും ൧൨ മാസത്തിൽ കുറയാതെ സർവ്വീസ്സുള്ളവരും ആയ ആക്ടിംഗുകാരുടെ അവകാശം പരിഗണിച്ചു അവരെമാത്രം നിയമിക്കുന്നതിനായി ഒഴിച്ചിടണം. ഈ തത്വം സ്വീകരിച്ചാൽ ശരിയായ പ്രാതിനിധ്യം ഇല്ലാത്ത ആളുകൾക്കു ഉദ്യോഗം കിട്ടുന്നതിനും പബ്ലിക്കു സർവ്വീസ് കമ്മീഷണർക്കു ജോലി ഉണ്ടാക്കിക്കൊടുക്കണം എന്നുള്ളതാണു ഗവണ്മെൻറിന്റെ ഉദ്ദേശമെങ്കിൽ അതിനും സൌകര്യപ്രദമായി തീരുന്നതാണ്. ഇപ്രകാരം എന്തെങ്കിലും ഒരു പരിഹാരം ഉടനടി വരുത്തിയില്ലെങ്കിൽ ധർമ്മരാജ്യമെന്ന പേരിനാൽ സുപ്രസിദ്ധമായിട്ടുള്ള നമ്മുടെ രാജ്യം അധർമ്മരാജ്യമെന്നു വിളിക്കപ്പെടുകയില്ലേ എന്നും ഞാൻ സംശയിക്കുന്നു. അതിനാൽ ഗവണ്മെൻറു വളരെ അനുഭാവത്തോടും അനുകമ്പയോടുംകൂടി ഇവിടെ പ്രതിവാദിച്ച സംഗതികളെപ്പററി ഗാഢമായി ചിന്തിച്ച് എത്രയും വേഗം പകരം ജോലി നോക്കിയിട്ടുള്ളവരുടെ തീവ്രമായ സങ്കടപരിഹാരവിഷയത്തിൽ ഒരു തീരുമാനം ഉണ്ടാക്കണമെന്നു അഭ്യർത്ഥിച്ചുകൊണ്ടു ഞാൻ ഈ പ്രമേയത്തെ അവതരിപ്പിച്ചുകൊള്ളുന്നു.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Sir, I am very sorry that the mover of this motion was prepared to make some concessions in favour of the proposals of the Government as embodied in the G. O. But my position is that absolutely no concession need be shown in favour of the move on the part of Government to effect a wholesale murder of these acting hands, because it is against well-established principles not only of public service but of agreements entered into by private parties also. Probably it is with the idea that certain communities are already over-represented in certain branches of administration that the Government were rather moved to make a provision of the kind. But I would submit, Sir, since the time of Mr. Raghaviah for

LIBRARY ARCHIVES Kerala Legislative Assembly

the last so many years, the Government were instituting scrutinies at every stage in regard to appointments made by Heads of Departments from time to time. There was not one day when in the several sessions of the old Legislative Council and also of the Assembly now when members belonging to all communities were not asking for information from the Government side in regard to appointments made by the several departmental heads. Over and above that, Government were also known to be instituting a searching enquiry into the several appointments and furnishing Legislatures with caste-war statements of appointments made by the officers under them. Therefore Government cannot be heard to say at this part of the day that they have inserted the provision in the G. O. with a view to see that over-representation in public service in favour of certain communities is diminished. The policy of Government has been declared to be that invidious distinctions in the matter of appointments will not be allowed to thrive in any department whatsoever. There was a scrutinising agency, a non-official part of the House, watching vigilantly over the appointments ; and the lists were supplied to all those who wanted. There is therefore absolutely no rhym or reason for the Government to insert a provision of this kind. I know that, as a safeguard against these, it is provided in the G. O. that the acting service put in by these candidates will be considered to a certain extent in the matter of future appointments applied for by them But it is an abstract thing. It is not clear how it will be considered, whether due consideration will be accorded to the service already put in by them or whether it is not going to stand them in good stead when they put forward their claims for future appointments. Government now propose to launch a particular scheme, usher in a scheme which, even though there is a time limit of three years fixed, Government have considered as a comprehensive one which will endure for all time to come. When we are making provisions for almost the whole time to come till eternity, it may be asked why should we be so very petty-minded as to start the scheme with the wholesale murder of some unfortunate people who have secured to their credit some length of acting service. It is not fair. Probably, as Mr. Velayudhan Pillai suggested, it may be found that the Public Service Commissioner may not be—

DEPUTY PRESIDENT : I wish to make a correction, because it is material. The recent public service G. O. closes with the sentence that the whole scheme will be worked for three years tentatively, at the end of which the position will be reviewed by Government in the light of the conditions then existing.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*) : My position still remains unaffected. The thing is that even though it is to be worked for three years or three months, it is not fair that, such a scheme, conceived by the Government in a noble spirit of patriotism and also with a view to secure peace in the land, should be begun in such a way. Therefore, there is absolutely no justification on the part of the Government for excluding the claims of acting hands in view of the fact that both the

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. E. V. Krishna Pillai.]

Government and the public in the land were exercising some sort of close scrutiny over the appointments so far made by the Heads of Departments. Therefore there is absolutely no justification in making any concession in favour of the position taken by the Government in their dealings with acting hands. I urge under the circumstances even a day's acting service should be counted in preference to fresh applications.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): I have very great pleasure in supporting the adjournment motion so ably and convincingly moved by Mr. Velayudhan Pillai. Let me avail myself of this opportunity to thank the Government for settling a question which has engaged the Travancore Legislature, both the past as well as the present, in a highly disproportionate manner—I mean the question regarding recruitment to public service. It is a question of vital importance and of momentous consequence that it is not so easy to give complete satisfaction to all parties concerned. But recognising efficiency to be the best test for recruitment and at the same time safeguarding the interest of the so-called inadequately represented and unrepresented communities by reservation and communal rotation, I have no hesitation in saying that the G. O. is, on the whole, satisfactory. But, Sir, I cannot help remarking that the G. O. lacks in sympathy particularly to one community, for the creation of which the Government and their departmental heads are primarily and solely responsible, *viz*, the community of acting hands in the waiting lists of the various departments. Government order is retrospective in its operation only with respect to these unfortunate hangers-on and expectants in Government service; and indeed Sir, it is not at all fair to set a premium by this on the questionable devices adopted by the various departmental heads in the past by facilitating some of the juniors in the various departmental waiting lists to secure an aggregate service of three years.

MR. K. C. ABRAHAM (*Kottayam II*): Is there not a community even now existing which despairs of getting admission either in the acting service or permanent service?

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): Not that I am aware of.

Sir, when the free play of jobbery, nepotism and other nefarious influences which permeated the appointments made by various departmental heads were brought to the notice of Government by no less a person than that veteran member and redoubtable champion of communal representation, whose dogged tenacity of purpose has hastened this much-needed and long-felt reform, the Government convinced of the necessity issued a G. O. to the effect that priority in entertainment must be taken as the criterion for seniority among the acting hands.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*): May I know who is the person referred to?

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): Mr. Tariatu Kunjittommen.

This Government order is a retrograde step recognising, as it does, a principle which was definitely given up by Government as unfair in principle and portentous in practice.

LIBRARY ARCHIVES Kerala Legislative Assembly

By resuscitating a dead and done affair, the Government are thereby giving another opportunity to these departmental heads to fall back to their past vagaries almost with a vengeance. In the G. O. there is a saving clause about those specifically appointed in a permanent vacancy or in a vacancy likely to become permanent. This is the most mischievous part of the whole order. The latter portion of the G. O. says "in a vacancy likely to become permanent". By a little stretch of the imagination anybody can understand that every vacancy will become permanent unless it be that the permanent incumbent need not face the inevitable. The first portion says "appointed in a permanent vacancy". Sir, this undoubtedly gives a wide discretion to these departmental heads. A couple of days back, to a pertinent question put by Mr. Thanu Pillai as to the exact date when this order would be put into operation, the Government member without committing himself gave a vague and indefinite answer as to the actual date on which the G. O. would come into operation. I therefore urge that this saving clause in the G. O. which is pregnant with possibilities for mischief, must be deleted. I also request the Government to make a searching enquiry into the appointments made by the departmental heads after the promulgation of this Government order.

MR. K. C. ABRAHAM (*Kottayam II*): Sir, I oppose the motion. In opposing, I freely confess that the motion has neither brought conviction nor sympathy to my mind. The arguments advanced in support of the motion have not been, to speak the least, convincing to me. In the first place, we have to recognise that behind this Government order there is a history and that that history has practically produced the Government order as it is in this present form. I am prepared to take it that the present G. O. is an atonement for the ills that have been rampant in the services and, in other words, it may also be said that the Government has to be congratulated upon a change of mind that it has made, which indicates a definite change, if not in the policy of the Government, at least in the practical method of working. I am sure Honourable members of this House will remember some time ago my expressing the view that it is practically not a defect of the policy of the Government that entailed the hindrances that manifested its application but the working of the policy by departmental heads, in which work certain anamolies naturally entered. Of course, if I am permitted to enlarge upon it, I suppose I shall have to bring before this House some features of the past history which has characterised the appointments into the services of the State, and which naturally has compelled the Government on account of causes of which we are all aware to evolve this Government order at this stage. I have only sympathy for the Government because this Government, as I can understand, is from day to day bandied from pillar to post not only for the evil but for the good it does.

The arguments that have been advanced in support of the motion may be generally conceded to verge on the head of retrospection. My friend Mr. Velayudhan Pillai's first argument is that it wasrather

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. K. C. Abraham.]

an iniquity to give retrospective effect to this Government order at the moment. I have only to say that from the Government order I do not find that there is any retrospective effect intended: because in the first place we generally think of retrospection in an enactment of law. In this case, it is not an enactment, but it is only a practical adjustment of the working method of the Government and it is actually, if I am permitted to say, a direction from Government for the purpose of enabling one officer to follow a certain definite line and rule which is understandable to all the public. Then the other argument levelled is that it rather breaks to the heart promises made to the ear. That is to say, people were employed on acting service on the faith, at least on their part, that they will be absorbed into the permanent service and so have their life in the service justified. On the other hand, it was also contended that they have thereby, by the appointment to a place in the acting service, had a vested interest and therefore it was rather a bad principle to displace that vested interest. Suffice it to say that it is this faith of vested interest of a section, in an exclusive preserve, that has gone into the working of the Government order, for we all know as a matter of fact that several appointments, acting and otherwise, have been made not only on the eve of this Government communique being issued but even prior to that; even before the stile was reached, the jump began: and many acting places had been filled in a most anomolous fashion which was also a reason which influenced the Government to issue this Government communique in its tenor.

Lastly, my friend Mr. Velayudhan Pillai enlarged upon the policy as formulated by the Mysore Government and the British Indian Government. Of course from the passage read before us, it can be clearly understood that the communique of the Mysore Government upon this matter was not given retrospective effect. Even if we understand it as Mr. Velayudhan Pillai said, it was only an objection on the 'minimum qualification' that was to be made on that communique. Here, it is not so. It is not a question of minimum qualification at all. If it had been, there would have been some justification in support of his argument. If I am permitted to put it more straight, it was a kind of friction between certain sections of people maintaining from one place the tenor that they were not being given proper encouragement in serving the country and their King and on the otherhand a rooted conception in the minds of another section that the services were their exclusive preserve. Of course, in such a tug of war, it naturally followed that there was no question of a minimum qualification to be considered and the only issue before the Government was decided on a consideration of many other factors. The Government now has been forced to initiate a policy of pacification, if I may put it at the least; and I suppose that, by recognised canons of gauging public opinion, the Government have succeeded to a very great extent. It is a set-back to press that their communique lacks in sympathy, that their communique is one-sided, that it does not justify the conditions of the

LIBRARY ARCHIVES Kerala Legislative Assembly

requirements; my submission is that it is rather unfair to the Government when they have issued such a communique as to satisfy to a very great extent the wishes of all sections of people in the State. I deliberately omit the word "community" because representation upon basis of community, I am deadly against. When a policy was opposed on the ground that it has not been properly worked and when there were nefarious interests at work in the replenishing of the services, the Government policy, as indicated in the present G. O., is to my mind extremely commendable. I do not wish to enlarge upon this. But I would close with one observation. That is, if the acting services to which men have been appointed now are to be taken as they are manned and the appointments are to be made in the order, then as Mr. Velayudhan Pillai said, the Public Service Commissioner might wash his hands and go home for 3 years because I am definitely informed, that for the next 3 years, if all the acting candidates are allowed to resume and continue in their positions, there will be no question of work or selection coming up before him. With that observation, may I resume my seat?

MR. K. SANKARAN (*Kartikapally* I): On the adjournment motion that is being discussed here, I wish to offer a few words. One member said that there is one particular community called the acting community in the State and to this particular community the present G. O. is working a good deal of injustice. My answer to that is that, over and above this particular community, there are ever so many well defined communities in the State and as regards some of these communities they have been subjected to a good deal of injustice for the past so many years. The question of entry into the public service is one of such problems. Some of these communities have been allowed facilities even in the matter of education at the cost of Government only rather late. When these communities were admitted to the public schools of the State, even though rather late, they began to make use of their education to qualify themselves in large numbers. Naturally, as a consequence of this, they also began to press forward their claims in the public service of the State. This question has been agitating the minds of the Government for the last 30 or 40 years. The report of the Public Service Recruitment Committee would show that, as early as 1907, Government recognised this principle, *viz.*, that all communities in the State are not being given equal opportunities of serving Government and that, as far as possible, equal opportunities should be given to each and every community in the State. With this object in view, our Government have been repeatedly issuing circular after circular from the year 1907 onwards and today we are in the year 1935. But in spite of all these orders issued by Government, we find that the representation of some communities, which were said to be over-represented in the service, still remain in the same condition. I may suggest the names of these communities. The Brahmin, the Nayar, and certain sections of the Christian community are now predominantly represented in the services of the Government. That fact cannot be

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. K. Sankaran.]

denied by anybody in this House. The figures given by the Public Service Recruitment Committee in their report would amply justify my statement. These figures are corrected up to first Chingom 1108. I am quoting from page 116 of the report. In the Education Department, in the case of appointments drawing a salary up to Rs. 50, the Brahmins hold 969 appointments, the Nayars 3,694 and the Ezhavas, who number a little more than the Nayars in population, only 315. In the case of appointments holding a salary above Rs. 50 and up to Rs. 100 the Brahmins hold 36 appointments, the Nayars 17 and the Ezhavas 1. Similarly it goes up to posts holding salary up to Rs. 500. Sir, the over-representation of certain communities and the under-representation of certain other communities are self-evident from the list of appointments given in this book. Thus Government in spite of their orders could not give effect to the best of their intentions which were embodied in those circulars. It was because they really felt that the departmental heads could not be made to act up to these circulars in the matter of recruitments to the public service that they thought of formulating a definite policy by which hereafter recruitment to the public service could be made.

It was with that object that they appointed a Committee of officials and non-officials to go into the question. That Committee had representatives from almost all the important major communities in the State and they have bestowed due attention to the various aspects of the problem and collected all available statistics.

DEPUTY PRESIDENT: In the nature of the language of this motion, I emphasise that there are hundreds of acting men belonging to all communities. So, unless you say that the number of acting men is very poor in some communities and very large in others, unless you say that definitely, all these may not be relevant.

MR. K. SANKARAN (*Kartikapalli I*): That is exactly what I am at. This Committee, after taking elaborate evidence and statistics came to the conclusion that certain communities, which were complained against as having over-representation in the services, are really over-represented in the services and certain other communities, in spite of their education and other qualifications, are very much under-represented in the services. One of the conclusions arrived at by the Committee is also that there are a lot of acting hands in almost all the departments of the State and the proportion of these acting hands also would go to show that some of the communities which are said to have predominantly high representation in the services are also similarly represented among the acting hands also. The mover of the motion has admitted that there are thousands of acting hands in all the departments who are yet to be confirmed. My conviction is that, more than 80 per cent. of these acting hands belong to communities which are over-represented in the services. The G. O. issued gives a direction as regards the recruitment of acting hands. My submission is that, if the idea underlying this adjournment motion is to be accepted by Government, not

LIBRARY ARCHIVES Kerala Legislative Assembly

only will it take 10 or 15 years for these acting hands to be absorbed in the services but the so-called predominance of certain communities will only be allowed to be continued to exist without any sort of benefit being derived to the other so-called unrepresented communities. My submission is that Government have realised the existence of so many acting hands and it was with that definite object that they formulated a definite scheme by which only all those acting hands who have three years' acting service will be taken over.

I have to make another suggestion. I am not against any consideration being shown to these acting hands. My suggestion is that a definite proportion has been fixed by a majority report of the Public Service Recruitment Committee. Some sort of proportion like that may be fixed for each community so that when the turn of each particular community comes and if acting hands in such of those communities are available, preference may be given to them over raw hands from those communities. My submission is, if the claims of all acting hands are to be taken into consideration, the object with which the Public Service Commissioner has been appointed will be defeated. With these words, I oppose the motion.

MR. N. E. VARUGHESE (*Tiruvalla I*): ഞാൻ പ്രമേയത്തെ എതിർക്കുന്നു.

പ്രമേയകർത്താവു ചൂണ്ടിക്കാണിച്ചിട്ടുള്ള കാരണങ്ങൾ അടിസ്ഥാനരഹിതങ്ങളാണെന്നുള്ള കാരണത്താലല്ല ഞാൻ ഇതിനെ എതിർക്കുന്നതു്. ഉദ്യോഗഅപ്പക്ഷണങ്ങൾക്കുവേണ്ടി അനേകകാലമായി പല സമുദായക്കാരും ഗവണ്മെൻറിനെ അലട്ടിക്കൊണ്ടിരിക്കയാണു്. അതിനു ഒരു പരിഹാരമാർഗ്ഗം കണ്ടുപിടിക്കണമെന്നു് അനേകകാലമായി മുറവിളി കൂട്ടിക്കൊണ്ടിരുന്നതിൻെറ ഫലമായി ഒട്ടധികം ശ്രമം ചിലവുചെയ്തു് ഒരു പബ്ളിക്ക് സർവ്വീസ് റിക്രൂട്ട്മെൻറ് കമ്മിറ്റി രൂപീകരിച്ചു. കമ്മിറ്റിക്കാർ വളരെ അന്വേഷണങ്ങൾ നടത്തി ഒരുതരത്തിൽ ഒരു റിപ്പോർട്ടു സമർപ്പിച്ചു. ഈ റിപ്പോർട്ടിനെപ്പറ്റിയുള്ള അഭിപ്രായം അറിയുവാനായി രണ്ടു സഭകളുടേയും മുമ്പാകെ ആറിപ്പോർട്ടിനെ സമർപ്പിച്ചു. അവരവരുടെ മനസ്സിലുള്ള അഭിലാഷങ്ങളനുസരിച്ചു് ഓരോരുത്തരുംപരസ്പരവിരുദ്ധങ്ങളായ അഭിപ്രായങ്ങൾ പുറപ്പെടുവിച്ചു. ഈ നിലയിൽ എന്താണു ചെയ്യാനുള്ളതെന്നറിയാൻ പാടില്ലാതെ ഗവണ്മെൻറു് വിഷമിച്ചിട്ടു നിഷ്പക്ഷപാതിയും നീതിജ്ഞനുമായ ഒരു ഉദ്യോഗസ്ഥൻെറപക്കൽ ഈ റിപ്പോർട്ടും അഭിപ്രായങ്ങളുമെല്ലാം ഏല്പിച്ചു. മേല്പടി ഉദ്യോഗസ്ഥൻ ഇതുകളെല്ലാം പരിഗണിച്ചു വേറൊരു റിപ്പോർട്ടു സമർപ്പിച്ചു. ഗവണ്മെൻറു് അതിനെപ്പറ്റി ഗാഢമായി ചിന്തിച്ചതിൻെറ ഫലമായി ഒരു പദ്ധതി തയാറാക്കി പരസ്യം ചെയ്തു. ഈ അവസ്ഥയിലാണു് അതിൻെറ

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. N. E. Varughese.]

ഇപ്പോഴത്തെനില. സംഗതികൾക്ക് ഒരവസാനമില്ലാതിരുന്നാൽ ഒരു സംഗതിയും മുമ്പോട്ടുപോകാൻ സാധിക്കുകയില്ല. എന്നാൽ ഇതൊരു സ്ഥിരമായ പദ്ധതിയാക്കാമോ എന്നും ഈ പദ്ധതി എല്ലാവർക്കും സ്വീകാര്യമായിരിക്കുമോ എന്നും ഇതിൽ വല്ല അബദ്ധവും വന്നിരിക്കുമോ എന്നും ഗവണ്മെൻറിനുതന്നെ സംശയമായിരിക്കുന്നു. ഇതു് അത്രമാത്രം വൈഷമ്യമുള്ള ഒരുസംഗതിയാണു്. പല മതക്കാരും സമുദായക്കാരുംവിവിധതാല്പര്യങ്ങൾ ഉള്ളവരും അധിവസിച്ചുപോരുന്ന ഈ തിരുവിതാംകൂറിൽ ഉദ്യോഗവിതരണപ്രശ്നം ഒരു വലിയ വൈഷമ്യം തന്നെയാണു്. അതു് ആലോചിച്ചുകൊണ്ടുതന്നെയാണു മൂന്നു വർഷത്തേയ്ക്കു തൽക്കാലം ഒന്നു പരീക്ഷിച്ചുനോക്കാമെന്നുള്ള നിലയിൽ ഒരു പദ്ധതി ഗവണ്മെൻറു പരസ്യപ്പെടുത്തിയതു്. അതുകൊണ്ടു് ഇതിനെ ഒന്നുപരിക്ഷിച്ചുനോക്കേണ്ട ചുമതല ഈ ജനപ്രതിനിധിസഭയ്ക്കുണ്ടെന്നാണു് എന്റെ അഭിപ്രായം. ഗവണ്മെൻറിന്റെ അനേകകാലത്തെ പരിശ്രമത്തിന്റെ ഫലമായി ഒരു പദ്ധതി തയാറാക്കി അതു നടപ്പിൽ വരുത്തിപരീക്ഷിച്ചറിയുന്നതിനു മുമ്പു് ആക്ഷേപിക്കാൻ തുടങ്ങിയാൽ ഗവണ്മെൻറു തന്നെ വിഷമിച്ചുപോകുന്നതാണു്. ഇതുപോലെ വൈഷമ്യമുള്ള പദ്ധതികൾ എല്ലാപേക്ഷം സ്വീകാര്യമായ വിധത്തിൽ നടപ്പിൽ കൊണ്ടുവരുവാൻ വളരെ പ്രയാസമുണ്ടെന്നുള്ളതും നാം അറിഞ്ഞിരിക്കേണ്ടതാണു്. ഗവണ്മെൻറിനുള്ളതുപോലെയുള്ള ചുമതല ഈ വിഷയത്തിൽ ജനപ്രതിധികൾക്കുമുണ്ടായിരിക്കണമെന്നാണു് എന്റെ അഭിപ്രായം. ഈ നിലയിലുള്ള അഭിപ്രായങ്ങൾ വച്ചുകൊണ്ടാണു് ഞാൻ ഈപ്രമേയത്തെ എതിർക്കുന്നതു്. സക്കാർസർവീസിനെ ഒരു ചെടിക്കു തുല്യമായിട്ടാണു് ഞാൻ ഉപമിക്കുന്നതു്. അതായതു് ഒരു ചെടി വളരെക്കാലമായി വളർന്നുവരുമ്പോൾ അതിനു ചില കേടുകളും വിഷമതകളും പുഴുപിടിത്തങ്ങളുമൊക്കെ സാധാരണ കണ്ടു വരാറുണ്ടു്. ഈ അവസരങ്ങളിൽ ചെടിയെ കത്തിരിക്കുക എന്നൊരു സമ്പ്രദായം മുണ്ടു്. അതു സാധാരണമായി കൃഷിക്കാർക്കു് അറിയാവുന്നതാണു്. 'ചെടിയെ കത്തിരിച്ചു് അഭിവൃദ്ധിപ്പെടുത്തണമെന്നുള്ള ഉദ്ദേശത്തോടുകൂടി കത്തിവയ്ക്കുമ്പോൾ ചിലകമ്പുകൾക്കു കേടോ ചിലവ മുറിഞ്ഞുപോയി ചിലതിനു കത്തിമുറി കൊണ്ടെന്നോ വരാം. അതൊക്കെ സഹിക്കാതിരിക്കാൻ നിവൃത്തിയില്ല. അതു തഴച്ചു വളർന്നു പുഷ്പിച്ചിട്ടു് അതിൽനിന്നുള്ള അനുഭവം നമുക്കു് എല്ലാപേക്ഷംകൂടി എടുത്തുകൊള്ളാമെന്നു് ആശിക്കാനേ നിവൃത്തിയുള്ളൂ. ആ നിലയിൽകൂടി ആലോചിച്ചുനോക്കിയാൽ,

LIBRARY ARCHIVES Kerala Legislative Assembly

ഈ പ്രമേയം സ്വീകാര്യമല്ലെന്നാണ് എന്റെ അഭിപ്രായം. മിസ്റ്റർ ശങ്കരൻ പറഞ്ഞതുപോലെ ചില പ്രത്യേകസമുദായക്കാരുടെ കൂടുതൽ പ്രാതിനിദ്ധ്യംകൊണ്ട് ഈ പദ്ധതിയിലെ നിയമന വ്യവസ്ഥ അനുസരിച്ച് അപ്പോയിന്റിംഗ് കാര്യത്തിൽ വല്ല വിഷമതകളുമുണ്ടെങ്കിൽ അവയെ തിരുവിതാംകൂറിലെ ഇന്നത്തെ പരിതസ്ഥിതിയും നിലയും മറ്റും നല്ലവണ്ണം ആലോചിച്ച് കഷ്ടതകൾ വഹിക്കുകയും സഹിക്കുകയുംചെയ്ത് ഇവിടത്തെ കാർമേഘപടലം നിറഞ്ഞ അന്തരീക്ഷത്തെ ശമിപ്പിക്കേണ്ടതാണ് അവരുടേയും മുമതലയാണെന്ന് അവരേയും ഉൽബോധിപ്പിച്ചുകൊണ്ട് എന്റെ പ്രസംഗം അവസാനിപ്പിച്ചുകൊള്ളുന്നു.

MR. A. THANU PILLAI (*Trivandrum—Rural*): This G. O. is a document which no Government can honestly support. For the present, I am afraid I would not be in order if I discuss any portion of the G. O. other than paragraph 17. So I confine myself to that paragraph.

Sir, that paragraph itself is proof positive that the Government in a highly irresponsible way have taken a leap in the dark. I expect the Government benches to furnish the House with sufficient relevant data relating to this question. Do they know how many acting hands there are in the various departments, the length of service of these acting hands, how the Government's decisions will affect them, how the communities will be affected, whether this is a really communal question or whether it is only a question affecting the acting men and others? If they have considered these questions I do not find anything in this paragraph relating to these details. I expect the Government benches will give us a satisfactory account of these details.

Anyhow I will proceed with the materials now before me. What are the facts? Government have time and again assured the acting men that their services will count for confirmation, for promotion and so forth. Now even though there may not be a strictly written rule to that effect, the practice has all along been that acting service is really counted and it is on the basis of acting service that confirmations are made. If we are going to discard these acting lists, why are these lists kept? It is to give confirmation on the basis of those lists. Questions have often been raised as to the conduct of officers who, ignoring the acting claims of senior men, have acted in favour of men who are junior to them. Now Government have really disappointed all genuine expectations. What was the justification for that? Here the G. O. says;—

> "These persons were appointed on the implied understanding that they would subsequently obtain preference, provided their work was satisfactory. It would therefore be unfair to exclude them from all chances of re-employment. Further their acting service will have afforded them opportunities for training and so have made them more proficient than new recruits. Against this position, it may be argued that as the waiting lists maintained by the depart-

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. A. Thanu Pillai.]

ments contain predominently members of the over-represented communities any scheme for a more equitable distribution of appointments will be automatically nullified or at least indefinity postponed if the claims of acting men in the waiting lists are considered."

Now, Sir, what is the warrant for this assumption that the waiting lists maintained by the departments contain predominantly over-represented communities? How are the Government benches going to assure us of that? Again, if you find that more members of certain communities are found in the list than members of other communities, is it a reason, I ask, why legitimate expectation should be frustrated?

Sir, there are various aspects of this question to be considered. There are very many departments where the acting hands have put in more than two years' service. There the waiting list also may be large. In some others there may be persons who have acted, but the waiting list may be small. Are the Government in a position to tell us the proportion of the acting hands to the total strength of a particular staff? If a particular man is permanently appointed according to his rank in the waiting list, as is being done in the usual way, is there any justification to keep him waiting and for another new man being appointed in his place? Take the case of an office with a strength of 50 clerks of which 7 or 8 are acting men. Are the claims of these 7 or 8 men to be ignored? Take the case of the Secretariat. There appointments are being made according to seriority in acting service. Why should the claims of acting men be ignored there? But that is what is implied in the G. O. Is there a necessity for that? It is not a communal question. Even if communal consideration comes in, the attention of Government should be directed to the other aspects of the matter. This G. O. is not one which is framed purely on a communal basis. With regard to intermediate service, no communal considerations are taken into account in respect of 60 per cent. of the appointments. Why not at least in the case of the 60 per cent. the usual practice of giving confirmations on the strength of acting service be followed? Why should injustice be introduced there also? I would urge upon the attention of Government this aspect of the matter. I am of opinion that no acting service should be brushed aside. There is another question, namely, whether it is the time when acting service began or the period of actual acting service that ought to be taken into account. There are men who began their service 10 years ago but have not been able to put in 3 years' actual acting service. Is it right to deprive these people of their legitimate claims for confirmation? The aim should be to fix some real workable reasonable limit with regard to confirmations and admissions in the Government service. Here the point is that justice should also be meted out to those who have served the Government although in an acting capacity. With these few observations, I support the motion.

DEPUTY PRESIDENT: I now propose to call upon the party leaders to speak.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Sir, I rise to support the adjournment motion brought forward by Mr. T. P. Velayudhan Pillai. This provision in the G. O. is unjust, unwarranted and uncalled for. I do not know the circumstances under which this provision was inserted in the G. O. relating to the recruitment to public service. I do realise that public service recruitment is entirely at the discretion of Government. It is not based on a satutory enactment. Even the discretionary power vested in Government is expected to be exercised in a reasonable and humane spirit. Sir, this provision totally ignores one who has not to his credit an aggregate of 3 years' service or one who has not been put to act in a permanent place from time to time. Sir, that is, I should say, the very unkindest cut of all; that affects to a very great extent the vested interests of certain individuals. Well, Sir, the vested interest is even safeguarded by legislative enactments; that is to say, Government, as an employer of labour, with regard to the recruitment to the public service, should, when they frame the rules, never ignore or lose sight of the claims of those who have given the best service to them. Sir, these acting arrangements are being done by Government under various circumstances. We do not know all circumstances under which these people were put in acting places; probably as we all know, it may be with a view to help a young man to tide over the difficulty of age-bar or on other considerations of merit.

There is another reason, Sir, why I should support the adjournment motion and vehemently oppose those Honourable members who wanted to see an everlasting evil being perpetrated by ignoring the claims of these poor innocent acting hands. In supporting the adjournment motion, I am really supporting the Government. What does this particular provision in the G. O. indicate? Sir, it is really a very severe censure on the officers who have made these acting appointments that they have committed improper irregularities That is what they indicate. That is the view taken by Government when they framed these rules.

MR. K. C. ABRAHAM (*Kottayam II*): May I know from the member whether he is supporting the Government or justifying the officers?

DEPUTY PRESIDENT: The member is expressing his view.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): So, Sir, in the interest of acting hands at least and in the interest of Government officers, this provison should be taken away from the G. O. so that it may not remain a blot on the Government records. For whatever be the shortness of a period during which a man might have acted, this restriction should be removed and he should be given credit for the acting period and his claims should be recognised when a permanent appointment comes. With these few words, I support the motion.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): Sir, with respect to this resolution on the communal claims of various communities in the State in the matter of recruitment to public service, I was interviewed by a representative of the Press and I have already given out

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. P. K. Narayana Pillai.]

certain views. I have to urge some points in particular about this G. O. in question when I say that it requires modification. Anyhow the whole G. O. is not open to discussion, since only one particular clause 17 or so comes up for consideration here.

I wish it to be distinctly understood that, in urging the following points, I do not want to stand in the way of any community or individual where there is a well-founded claim. It seems to me, however, that it is not a case of communal representation, but it is a case af individual rights that come into play here. Are individuals who have acted in Government service liable to be ousted in the way proposed in the G. O.? That is the question. It has been an unwritten law, and such unwritten law has been avowed in this House by official members representing Government as binding upon them, that acting service would tell as a claim in the matter of permanent appointments. That has been the practice all along, so much so, if a person has acted 4 years and one has acted 3 years, the man who acted longer has a claim to be invariably preferred. This principle of the inviolability of earlier acting was accepted by Chief Justice Mr. Chatfield as quite equitable. That I think is the practice in other departments also. If a man who has acted earlier is to be preferred when a permanent vacancy occurs, that would be enough to give an idea of the value of acting service in the matter of appointments in Government service. On that footing, Sir, I submit that the claims of all those who have acted should be duly safeguarded.

It is quite true that there has been an agitation on foot in respect of the inequality of chances in the matter of appointments; but the authorities who made the appointments were within their powers and in exercise of such powers, appointments, permanent and acting, have been made. These officers, no doubt, hold different views in the matter of appointments. For example, officers like Mr. Macalpine and Mr. Westerdale, who were members of the Public Service Recruitment Committee, stood out for efficiency of service. Mr. Truscott the other day stood up here and said that he stands for efficiency. Men of equal intelligence and honesty may hold different opinions on this question.

MR. K. SANKARAN (*Karthikapalli I*): May I know whether other Heads of Departments also consider the question in that aspect?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): No. Some of them are guided by what they consider communal claims. Others rise above communal considerations, for example, Miss Janaki Ammal said that she belonged to no community in deliberating on questions of this kind. I congratulate the lady.

MR. K. SANKARAN (*Kartikapalli I*): May I know whether others also consider her as belonging to no community?

MR P. K. NARAYANA PILLAI (*Ambalapuzha I*): I do not know. Personally speaking——

DEPUTY PRESIDENT That question being indefinite need not be answered.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. K. SANKARAN (*Kartikapalli I*) : May I know whether the member considers her as belonging to any community ?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): That is entirely a different question.

MR. K. SANKARAN (*Kartikapalli I*) : Yes, it is : and I want an answer for it.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*) : When she declares that she does not belong to any community, I have no business to consider her in any other light. I believe her.

MR. K. C. ABRAHAM (*Kottayam II*) : May I know whether there is any unwritten law that the waiting lists should contain mostly the members of any particular community ?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*) : None that I know of.

So, I am submitting, Sir, that any attack on the officers who made these appointments is unfounded and out of order. Sir, with my training at the Bar and on the Bench, I hold the view that any person who has done a particular act should be taken to have done it honestly and truthfully, such being the presumption, till it is proved otherwise. The Latin maxim says "*odiosa et inhonesta non sunt in lege praesumanda.*" You cannot presume odious and dishonest acts. Therefore, Sir, all this obloquy about officers who made these appointments is unfounded and unjustifiable with no facts and figures to sustain them.

MR. K. M. KURIAKOSE (*Muvattupuzha II*) : If everything was all right with appointments to public service, may I ask where was the necessity for a Public Service Commission? (*Laughter.*)

MR. P. K. NARAYANA PILLAI (*Ambalapuzaa I*) : If the member will kindly wait till I finish my argument, he will get an answer.

As I was submitting, Sir, all this talk about jobbery in the matter of these appointments does not appeal to me at all.

Now, these acting hands have entered service with the definite hope, following the established practice of Government, that their service would give them a claim for preference for confirmation. If these people, for no fault of theirs, are now asked to stand out, we can imagine the mental agony that they will suffer. Sir, this is a matter affecting many numbers of different communities like Nair, Brahmin, Marthomites, Jacobites and so forth. Just fancy the mental pain of these people. They have put faith on Government, relied upon Government, perhaps, they have even thrown away other chances elsewhere relying on the invariable practice of Government. Naturally, the acting man will curse his community, since, for the mere accident of his birth in his community, he is being deprived of his legitimate claim. He will think that his is the most accursed community. Why should the Government inflict this punishment upon these poor people for the mere accident of their birth in their communities? Sir, this is not a communal question; it is a question of individual claims.

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MR. K. SANKARAN (*Kartikapalli I*): What about the mental attitude of the members of those communities who were excluded from service?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): If they can prove that they were excluded purposely, I shall be at the back of Mr. Sankaran (*Laughter*) though I am not physically strong to engage in a hand to hand fight or to assault such officers as have misbehaved. But, unless positive proof is forthcoming, I cannot back him.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): Is the member aware that a certain departmental head had the audacity to tell an applicant for an appointment "Go to your Dewan, Sir M. Habibullah; he will give you any appointment you want."

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): I am not aware of any such audacity, if it is a fact.

DEPUTY PRESIDENT: Personalities should not be dragged in.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): I have not dragged in the personality of the officer concerned.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): I was submitting, Sir, that, till the contrary is proved, we have to presume that the officers who appointed these acting hands have been perfectly just, sincere and honest in making the appointments. I can understand the case of men who were appointed since Edavam last year or some such date since the Government had published a notification that appointments made after that date would not create any manner of claim in favour of such appointees.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*): Is the member aware that departmental heads observed absolutely no principle when they made such appointments?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): I repudiate that statement; because it is not supported by any proof. Sir, Government have delegated their power of appointment to their officers, and it was in exercise of such powers that the appointments have been made. So, we must have positive proof that the officers have misbehaved in making these appointments.

MR. K. M. KRISHNAN (*Ambalapuzha II*): ഒരാഴവർ ഉദ്യോഗത്തിന പേക്ഷിച്ചപ്പോൾ അവർക്ക പാരമ്പര്യമില്ലെന്നുള്ള കാരണം പറഞ്ഞ് അവർക്ക് ഉദ്യോഗം കൊടുക്കാതിരുന്ന ഒരു കാലവും ഉണ്ടായിരുന്നു എന്ന റിയാമോ?

DEPUTY PRESIDENT: It does not seem to relate to the claims of the Ezhava candidates for appointments at present. So, I do not think it is relevant. Because some Ezhavas were not given appointments in the past, how can that affect the claim of the Ezhavas of the present day?

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. K. M. KRISHNAN (*Ambalapuzh II*): കൂടുതൽ പ്രാതിനിദ്ധ്യമുള്ള വക്ക് ഉദ്യോഗം കൊടുത്തുകഴിഞ്ഞിട്ട ബാക്കിയുള്ളവക്ക കൊടുക്കാമെന്ന വച്ചാൽ അവക്ക കിട്ടാൻ സാധിക്കുകയില്ലെന്നുള്ളതിനെ പരിഗണിച്ചാണ് അതിനെപ്പററി ഞാൻ പറഞ്ഞിട്ടുള്ളത്.

DEPUTY PRESIDENT : That question you may answer if you like, Mr. P. K. Narayana Pillai.

MR. K. M. KRISHNAN (*Ambalapuzha II*): ഒരംഗവർക്ക പാരമ്പര്യമില്ലെന്നുള്ള കാര്യത്താൽ അവർക്ക് ഉദ്യോഗം കൊടുക്കുകയില്ല എന്ന പറഞ്ഞിട്ടുള്ള കാലവും ഉണ്ടായിരുന്ന എന്നറിയാമൊ?

MR. P. K NARAYANA PILLAI (*Ambalapuzha I*): അങ്ങിനെ ഒരു കാലം ഉണ്ടായിരുന്നതായി എനിക്കറിഞ്ഞുകൂടാ. ഇതു സങ്കല്പസൃഷ്ടിയല്ലെങ്കിൽ അറിയാൻ ഇടയാകാത്തതിൽ അത്ഭുതപ്പെടുന്നു.

MR. K. M. KURIAKOSE (*Muvattupuzha II*) : Does the member think that there has been anything wrong in the recruitment to public service ?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*) : So far as I am aware, there was nothing wrong. The position is perfectly explicable. *Prima facie*, it may seem that there was some thing wrong. Now certain communities did not possess the requisite education qualification, and they could not be entertained in public service. That does not mean that there was anything wrong in the method of recruitment or with the officers who made the appointments. For example, a certain section of the Catholic community did not want to betake themselves to English education on account of the difference between their Bible and the Englishman's Bible. They kept away from the schools and did not receive English education. But ultimately English education prevailed, and in the meanwhile those who had it were alone considered fit for Government appointments.

MR. G. NILAKANTAN (*Nominated*) : May I know whether the member is aware that once a High Court Judge gave an endorsement to an applicant that the appointment of an Ezhava in Government service was against the tradition in Travancore ?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*) : I have never heard of it at all. I do not know when such a thing happened, if it ever happened.

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*) : Sir, this question of recruitment to the public service has been discussed threadbare more than once. Personally, I am afraid that communalism in Travancore will ultimately lead to communism. That is how matters are tending. It is the duty of Government to watch this communal movement very closely, since I think that the communal agitation here is not in the right direction. But that is not the question

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. P. Chidambaram Pillai.]

now before us. The question raised by the present adjournment motion is "What should be done with the people who have put in some acting service under Government"? The present G. O. seems to be extremely unfortunate in what it has proposed for these acting men. Anyhow, Sir, a line has to be drawn somewhere or other. And, as they say in law, hard cases should not lead us to make bad laws. Some rule has got to be laid down; and, of course, in the light of our present agitation, I am sure Government will revise the rules suitably and do justice to these acting hands.

MR. G. NILAKANTAN (*Nominated*): Sir, the principle of communal representation has been recognised by Government, and there is now no use in pleading against it. It is something like beating a dead horse. Government wanted to solve the problem in a manner least injurious to all concerned. And with that object in view, they have fixed a rule with regard to the acting hands. Sir, if all the acting hands are to be given preference, it will be impossible for the inadequately represented communities to get into Government service in the near future. We all know how these acting appointments were made.

DEPUTY PRESIDENT: I am unable to follow you, Mr. Nilakantan. Do you suggest that these appointments have been made by persons authorised by Government to make appointments? Is that what you mean?

MR. G. NILAKANTAN (*Nominated*): Yes, Sir.

MR. K. C. ABRAHAM (*Kottayam II*): I understood the member to say that all of us knew *how i. e.*, the way in which, the appointments were made. May I know whether that was——

DEPUTY PRESIDENT: Mr. Abraham is out of order. The question as to how he has understood it does not arise.

MR. K. C. ABRAHAM (*Kottayam II*): I was putting a question, Sir.

DEPUTY PRESIDENT: Please word it in the form of a question.

MR. K. C. ABRAHAM (*Kottayam II*): May I know whether the member was referring to the way in which the appointments have been made?

MR. G. NILAKANTAN (*Nominated*): Yes, Sir.

MR. A. THANU PILLAI (*Trivandrum-Rural*): May I know whether, when the member was in service, he made any appointments?

MR. G. NILAKANTAN (*Nominated*): I did, Sir, and most honourably and justly (*Laughter*).

DEPUTY PRESIDENT: What Mr. Nilakantan did when he was an officer does not arise now.

MR. M. SIVATANU PILLAI (*Tovala*): May I know why the member is not prepared to credit other officers also with the same virtues that he claims for himself?

DEPUTY PRESIDENT: I do not permit that question to be answered.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Is the member prepared to recommend the addition of a saving clause in the G. O. with respect to the appointments made by him alone?

DEPUTY PRESIDENT: That question need not be answered.

MR. G. NILAKANTAN (*Nominated*): I was submitting, Sir, that the Government had to draw a line somewhere in regard to these acting appointments. According to me, even the present provision in the G. O. is not quite fair to the inadequately represented communities. Still I do not object to the provision, since something has to be done to solve the problem.

As regards acting appointments, they are made on account of the pure exigencies of service. The people came and they were given appointments. The very fact that Government for the last 3 years have been ignoring their claims will show that Government are not bound to provide appointments simply because they at one time were appointed to act. In many cases the acting men got in through favouritism and in many others for escaping from age-bar rule. For the above reasons, I oppose the motion of Mr. Velayudhan Pillai.

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Sir, the discussion for the last one hour and a half has shown how difficult and how complicated is the question of communal representation in public service. Government issued a G. O. to regulate recruitment to public service with a view to set at rest the agitation that has been going on in the country for the past so many years. I am glad to say that at least some Honourable members on the other side concede that the Government have made an honest attempt to give satisfaction to different communities in the matter of recruitment to public service. I am aware that there are people who hold a different view. My friend Mr. Thanu Pillai is one of those. He condemned the G. O. as being very unsatisfactory. On the whole, however, the opinion expressed in this House and outside seems to show that the attempt made by the Government in this matter has been received fairly well by the public.

The general principles involved in the G. O. are not for discussion now. The only point under consideration, the only point that has come up for discussion now, is the question of acting men. Sir, from the discussion in this House and also from the views expressed elsewhere, we find that opinion on this question is sharply divided. There is one section of the public who says that no acting service, however long the period be, should be considered at all in future recruitment while on the other hand a few Honourble members such as Messrs Velayudhan Pillai and P. K. Narayana Pillai desire that all acting hands, however short the acting period be, should be given preference over others. These are two opposite views and Government have taken a *via media*. I admit that it is expressly stated in the G. O. that it is only a compromise. No doubt Mr. P. K. Narayana Pillai objects to it and says that it is not compromise that is wanted but the observance

LIBRARY ARCHIVES Kerala Legislative Assembly

[Rao Sahib Dr. N. Kunjan Pillai.]

of a principle. But Government have admitted that it is a compromise between two opposite views. Is the compromise after all so very unjust as it appears to be or is made out to be? Government have definitely stated that, in the case of those men who have put in a total acting service of three years or more, the rules of recruitment to be framed hereafter will not apply. Only those whose acting service does not amount to three years will be affected by these rules. If you read the G. O. carefully, you will find that in the case of those men who have not put in a total acting service of three years, their acting service will also be considered as one of the factors in the selection of candidates for recruitment. The G. O. says—

> "In the case of all others who are in the waiting lists of the various departments no preferential treatment can be accorded, but their acting service, including any evidence as to whether that service was performed satisfactorily or otherwise, will be considered as one of the factors in determining the relative positions of the candidates of the same community for recruitment. In the lower division of the service, as between the candidates of the same community, preference will be given to those who have had meritorious acting service."

MR. A. THANU PILLAI (*Trivandrum—Rural*): Is it as between the candidates of the same community?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): In the case of those whose total acting service is three years or more, there is no difficulty. They will all be absorbed when vacancies arise. Those whose total acting service does not come to three years have to undergo the selective test like other applicants but in their case, there is this advantage that their acting service will also be considered as one of the factors to determine their eligibility.

MR. A. THANU PILLAI (*Trivandrum-Rural*): In the case of appointments to the intermediate grade, I understand that communal consideration will not come in at all in respect of the 60 per cent. of the appointments open to competition. I want to know how the rule in regard to acting service will be applied in relation to candidates of the same community.

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I will explain it. It is laid down in the G. O. that there will be a selective test for the selection of candidates. It may be a competitive examination. Those who have had acting service of less than three years and those who have had no acting service will have to sit for the examination. In the case of men who have acted, the period of their acting service, the nature of their work, whether it was satisfactory or not, will be considered and a certain number of marks will be awarded for the same in consultation with the Heads of Departments concerned. 70 per cent. of the marks is set apart for examination qualifications and 30 per cent. for interview, acting service and special qualifications and as bonus to backward communities. The Public Service Commissioner, either alone or along with the departmental heads, will interview the candidates and for such interview some marks will be awarded.

LIBRARY ARCHIVES Kerala Legislative Assembly

So also for previous acting service. For special qualification *i.e.*, if in addition to the ordinary qualification a candidate possesses any special qualification, some marks will be awarded. Lastly, bonus marks will be awarded to candidates belonging to backward communities, so that they may be able to compete with the more forward communities in the selection test. All these marks will be added up and the candidates will then be arranged in the order of the marks obtained. Sixty per cent of the appointments will go to the persons who are at the top of the list. Suppose there are 10 vacancies to be filled up. Six of these appointments will go to the first six candidates in the list and the remaining four appointments to the succeeding candidates but excluding those belonging to the following communities, namely, the Brahmin, the Nair, other caste Hindu, the Jacobite and the Marthomite.

MR. A. THANU PILLAI (*Trivandrum—Rural*): May I know, the relative position of the candidates of the same community for recruitment in the sixty per cent. of appointments?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): It does not arise in the case of the sixty per cent. at all.

MR. A. THANU PILLAI (*Trivandrum—Rural*): How will that apply to the forty per cent?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): In the case of the acting men marks will be awarded for their acting service on the basis of the period and quality of service, irrespective of the communities to which they belong. The candidates will be arranged according to the total number of marks they get for the examination, acting service and other things. If there are 10 appointments to be made, the first six will go to the first six candidates and the remaining four to the next four candidates belonging to the communities other than those I have mentioned already.

MR. A. THANU PILLAI (*Trivandrum—Rural*): How is the principle applied to determine the relative position of the candidates belonging to the same community?

RAO SAHIB DR. KUNJAN PILLAI (*Chief Secretary to Government*): I have made clear what the Government have in view.

Sir, before the time is up, I must explain one thing more. What is sought to be done in regard to the Lower Division of the Service has to be explained. The communities have been arranged in a certain rotation and the appointments will be distributed in the order of the rotation given. But if there are more candidates of the same community, the man who has got the longest acting service among them will be preferred.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): In the Intermediate Division, am I to understand that the date of first entry into service will not be considered as a claim?

LIBRARY ARCHIVES Kerala Legislative Assembly

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): No. It is the total acting service that is proposed to be taken into consideration. A line of demarcation has to be drawn somewhere. There are two opposite views. One is that the acting service should not at all be taken into consideration. The other is that all acting service, whatever be the length, must be considered. Government wanted to have a *via media* between these two views, and they decided upon three years' total acting service as the *via media*. At the same time they have taken care to make provision for the acting service of those men whose total service does not come to three years being also considered as one of the factors for recruitment. Government have not totally ignored them. The object of Government is to try and solve the problem of communal representation in public service. I do not know whether the problem has been solved or is going to be solved; but it will be admitted that Government have made an honest attempt to solve it.

MR. A. THAHU PILLAI (*Trivandrum Rural*): May I know the proportion of acting men to the total number of appointments?

RAO SAHIB DR N KUNJAN PILLAI (*Chief Secretary to Government*): When the G. O. was issued, Government did not have the figures. They did not think it necessary to collect them. The question of number is immaterial. The number affected may be large or small. Among them there may be members of all communities. So, Government thought that it was quite immaterial whether the number was large or small or whether the acting hands belonged predominantly to one particular community or another. Since this adjournment motion was tabled, I tried to collect some statistics about the acting hands. I do not say they are full, nor are they very accurate. All the same, I have got some figures which I shall place before the House. In the Secretariat, for instance, there are on the whole 95 acting hands with less than three years' service. Of these, 18 are Brahmins, 23 are Nairs and 9 are other caste Hindus. That is to say 50 out of 95 are caste Hindus.

MR. K. SANKARAN (*Kurtikapalli I*): Out of this, may I know the number belonging to non-caste Hindus?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): There are 7 Ezhavas 5 Jacobites and 5 Marthomites.

MR A. THANU PILLAI (*Trivandrum—Rural*): May I know the number of men who have put in acting service of more than three years?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I have not got those figures.

MR. A. THANU PILLAI (*Trivandrum-Rural*): What is the total strength of the staff?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): About 150.

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MR. P. C. NARAYANAN BHATTATIRIPAD (*Travancore Jenmi's North*) : മലയാളബ്രാഹ്മണർ ആക്ടിംഗ്കാരായി എത്രപേർ ഉണ്ടെന്നു പറയാമോ?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : അവരെ പ്രത്യേകം തിരിച്ചു കണക്കു വച്ചിട്ടില്ല. ബ്രാഹ്മണരെ എല്ലാംകൂടി ചേർത്താണ് കണക്കാക്കിയിരിക്കുന്നത്.

MR K. C. ABRAHAM (*Kottayam II*) : May I know whether these figures were not collected before the issue of the communique ?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : No. They were collected only after the notice of the adjournment motion was received.

MR. K. C. ABRAHAM (*Kottayam II*) : Why were these figures not collected then ?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : Government did not consider it necessary.

RAO SAHIB S. PARAMESVARA AIYAR (*Nominated*) : The G. O. excludes those persons whose total acting service amounts to not less than 3 years or who are on sub-protem tenure or who have been specifically appointed to act against vacancies that are permenent or likely to become permanent or those who have held temporary post for a period of not less than 3 years. Are these now excluded ?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : I am now referring to those persons who have put in less than three years' acting service irrespective of the tenure of such service. Those who have put in more than 3 years are not included in the figures.

MR. A. THANU PILLAI (*Trivandrum—Rural*) : To what class do these 95 people belong ?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : They are clerks and typists.

MR. A. THANU PILLAI (*Trivandrum—Rural*) : May I know why, in an office of 150 hands, there are 95 acting hands ?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : There is a long story behind it. It will take some time for me to answer that question.

In the Education Department, there are 2,084 acting hands. Of these, about 1,160 are Nairs, Brahmins and other caste Hindus. There are 198 Ezhavas. I may say that Vernacular school teachers are also included in these figures and they, according to the G. O., are in the Lower Division of service. The principle of recruitment to the Lower Division is based on communal rotation.

Some Honourable members seem to think that the provision about acting hands in the G. O. is going to affect some particular communities. That is not correct. The House will see from the figures

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[Rao Sahib Dr. N. Kunjan Pillai]

I have given that almost all the communities will be affected. In the Education Department, out of 2,084 acting hands, nearly 1,000 belong to communities other than the Brahmin, the Nair and other caste Hindus.

MR. A. THANU PILLAI (*Trivandrum – Rural*): Out of 2,084, may I know how many have put in more than one year's acting service?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I am sorry I have not got that figure.

When representatives of various communities come forward and say that they are satisfied with this G O., why should anybody be worried about it? Government are attempting to bring about peace among communities in regard to recruitment to public service.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Are the acting hands satisfied?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): They may not be satisfied.

There is no doubt an implied understanding that acting men, if they are found fit, will be made permanent in the order of seniority when vacancies arise. But Government thought that, in the larger interests of the country, that understanding might be changed. After all, is the understanding inviolable?

MR. K. C. ABRAHAM (*Kottayam II*): Would it be a fact to say that in future the appointment of acting hands will be dependent upon the number of marks given?

DEPUTY PRESIDENT: The question is not quite clear.

MR. K. C. ABRAHAM (*Kottayam II*): I want to know whether the appointment of acting hands will depend upon the number of marks given by the Commissioner.

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): All appointments will be made in furure on the basis of the marks given by the Public Service Commissioner.

MR. CHAGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur cum Pattanapuram*): I am very sorry to inform you that Mr. M. N. Nair is very seriously ill.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): He is laid up in the General Hospital. We would like the House to be adjourned so that we may go and attend on him.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): He is laid up with apoplexy. We request that the House be adjourned.

DEPUTY PRESIDENT: The House is greatly concerned with the news of Mr. M. N. Nair's ill health But I am not sure that it is the desire of the House that the House should adjourn now.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): He is dangerously ill. The Durbar Physician will enlighten the House in regard to that.

DEPUTY PRESIDENT: We are very much concerned with the news of Mr. M. N. Nair's ill-health. Does the House wish that we need not go through the business before the House especially seeing that

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there are only 5 minutes more to close? (*After a pause*) The House is silent. Mr. T. P. Velayudhan Pillai,

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*) : I do not press the motion.

The motion was by leave withdrawn.

The House adjourned at 5.23 P. M. to meet again at 11 A. M. on the next day.

K. MADHAVA KURUP,
Secretary to the Sri Mulam Assembly.

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